

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 AID-05 CIAE-00 COME-00 EB-08 FRB-03
INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02
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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 1428
INFO AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 2588

EO 11652: GDS
TAGS: ELAB, IN, PINT
SUBJ: FOREIGN CONTRIBUTIONS ACT APPLIED TO TRADE
UNIONS AND OTHERS

REF: 76 NEW DELHI A-96

1. AS REPORTED REPAIR, THE FOREIGN CONTRIBUTION
(REGULATION) BILL OF MARCH 1976 PRESCRIBED THAT
ORGANIZATIONS OF "A POLITICAL NATURE, NOT BEING A
POLITICAL PARTY," ARE REQUIRED TO OBTAIN GOI PER-
MISSION BEFORE ACCEPTING A CONTRIBUTION FROM A FOREIGN
SOURCE. THE GOVERNMENT HAS NOW PUBLISHED THE NAMES
OF 106 ORGANIZATIONS AS FALLING UNDER THIS PROVISION:
37 TRADE UNIONS, 25 STUDENT AND YOUTH BODIES, 6
WOMEN'S ORGANIZATIONS, AND 38 LISTED AS "MISCELLANEOUS."
INCLUDED IN THE TRADE UNION CATEGORY ARE ALL THE
MAJOR LABOR CONFEDERATIONS: INTUC, AITUC, HMS
(BOTH FACTION), AND CITU. THE CONGRESS PARTY'S YOUTH
CONGRESS AND NATIONAL STUDENTS UNION FIGURE IN THE
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LIST OF STUDENT AND YOUTH BODIES, WHILE THE PRO-CPI
NATIONAL FEDERATION OF INDIAN WOMEN IS AMONG THE
WOMEN'S ORGANIZATIONS. THE PRO-J.P., JANATA PARTY
CITIZENS FOR DEMOCRACY IS AN EXAMPLE OF ORGANIZATIONS
IN THE MISCELLANEOUS GROUP. THE COMPLETE LIST
OF THE 106 ORGANIZATIONS WILL BE FURNISHED TO ADDRESSEES.

2. THE GOVERNMENT HAD ALREADY INDICATED THE FORM IN WHICH PRIOR GOI PERMISSION IS TO BE REQUESTED FOR ACCEPTING FOREIGN CONTRIBUTIONS AND HAS SPECIFIED THE HOME MINISTRY AS THE RECIPIENT OF SUC APPLICATIONS.

3. FOR THE DEPARTMENT: SUGGEST THAT AAFI BE INFORMED OF THE SPECIFIC APPLICATION OF THE FOREIGN CONTRIBUTIONS ACT TO TRADE UNIONS. (THE LABOR COUNSELOR HAD PREVIOUSLY MENTIONED THIS AS A LIKELY DEVELOPMENT IN CORRESPONDENCE WITH AAFI.)

4. COMMENT: THE GOVERNMENT'S DECISION AT THIS TIME TO SPECIFY THE ORGANIZATIONS SUBJECT TO THE LIMITATION ON ACCEPTING FOREIGN CONTRIBUTIONS WOULD APPEAR DESIGNED TO SERVE THE ELECTORAL INTERESTS OF THE RULING CONGRESS PARTY. WHILE CONGRESS ORGANIZATIONS ARE INCLUDED IN THE LIST, THE CONGRESS, IS BELIEVED TO BE FLUSH WITH FUNDS, WHICH IS NOT THE CASE FOR THE OPPOSITION PARTIES. MOREOVER, THE STATUTE DOES NOT PROVIDE STANDARDS FOR THE GOI TO DECIDE WHEN ITS PERMISSION SHOULD BE GRANTED, AND THERE IS NO SCOPE FOR THE GOVERNMENT TO APPLY THE LAW IN FAVOR OF THE CONGRESS PARTY AND ITS RELATED ORGANIZATIONS. SCHNEIDER

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